

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA      )  
                                    )  
                                    )      CASE NO. 04CR10217GAO  
v.                                )  
                                    )  
DARREN F. WILDER              )  
                                    )  
                                    )  
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                                    )

**DEFENDANT'S MOTION TO CONTINUE TRIAL DATE  
AND OR TO CONDUCT A DETAILED *VOIR DIRE* CONCERNING  
PARADE MAGAZINE ARTICLE DATED FEBRUARY, 19, 2006**

NOW COMES the Defendant, Darren Wilder, through counsel, respectfully moves this Honorable Court to continue the trial date of the instant matter and/ or to conduct a detailed *voir dire* of perspective jurors regarding and article which appeared in Parade Magazine dated February 19, 2006. In support thereof counsel states the following:

1.     On about February 19, 2006, an article appeared in Parade Magazine which was highlighted on the front cover by a picture of an emotionally distraught child addressing the implications of and the need for stricter penalties for child pornography crimes.
2.     The trial is scheduled for March 13, 2006.
3.     The appearance of this article on the eve of trial is bound to prejudice prospective jurors.
4.     The Magazine will be in many prospective jurors homes when the trial starts.
5.     Perspective jurors reading the article will undoubtedly erroneously conclude that the penalties for child pornography are not severe enough

and that the problem is pervasive.

6. Further, there are numerous references in the article to law enforcement commentary which directly undermines potential defenses in this case.

WHEREFORE, this Honorable Court is respectfully urged to continue the trial date until such time as the subject matter of the article is not fresh in prospective jurors minds and/ or to screen prospective jurors on *voir dire* regarding said article.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I, Peter Charles Horstmann, Esquire, hereby certify that on this 20<sup>th</sup> day of February, 2006, a copy of the foregoing DEFENDANT'S MOTION TO CONTINUE TRIAL DATE AND OR TO CONDUCT DETAIL *VOIR DIRE* CONCERNING PARADE MAGAZINE ARTICLE DATED FEBRUARY, 19, 2006 was served electronically upon Dana Gershengorn, Assistant United States Attorney, United States Attorneys Office, One Courthouse Way, Boston, MA 02210 and upon Sherri A. Stephan, US Department of Justice, Child Exploitation and Obscenity Section, 1400 New York Avenue NW, 6th Floor, Washington, DC 20005



Peter Charles Horstmann, Esquire